

for the deposition to be held until the month September, 2004. This would necessitate a change in the Court's Scheduling Order for the completion of discovery to be extended from July 1, 2004 to September 30, 2004.

Counsel for Defendants have been contacted by telephone, but neither could be reached prior to the deadline for the filing of this Motion. Counsel for Plaintiff has attached an Attorney's Affidavit in support of said Motion

WHEREFORE, Plaintiff respectfully requests that the Court extend the time for cut off of discovery from July 1, 2004 to September 30, 2004.

Respectfully submitted,

s/Rose Ann Fleming

Rose Ann Fleming (0041337)

Rose Ann Fleming

Professional Legal Corp.

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Attorney for Plaintiff

ATTORNEY AFFIDAVIT IN SUPPORT OF MOTION

STATE OF OHIO)
)SS:
COUNTY OF HAMILTON)

I, Rose Ann Fleming, undersigned affiant, having been duly cautioned and sworn, do hereby depose and state:

1. I am an attorney in solo practice in Cincinnati, Ohio.
2. I have been retained as the attorney for Plaintiff in the above captioned action.

3. I have made a Motion for the extension of time for discovery because the witness, Donald Bricking, whose deposition Plaintiff needs was unavailable in the past due to conflicts in the schedules of counsel.
4. Donald Bricking's attitude and actions regarding Plaintiff's employment at C.G.&E, are critical to discover in pursue this suit in the best possible fashion.
5. In order to know Bricking's position on Colbert's employment and firing, it is necessary to take his deposition.
6. In order to take his deposition, the scheduled of a least three attorneys must be coordinated.
7. In addition at this time of year, vacation schedules must be considered.
8. While I have extended three (3) days in July and two(2) days in August, I do not have a confirmation back from either attorney for the Defendants.
9. I do not ask for this extension in an effort to needlessly delay the trial or to waste the time of other counsel.
10. As a matter of justice, I ask on behalf of the Plaintiff to extend the time for discovery from July 1, 2004 to September 30, 2004 so that we may take the deposition of Donald Bricking.

AFFIANT FURTHER SAYETH NAUGHT.

Respectfully submitted,

s/Rose Ann Fleming
Rose Ann Fleming (0041337)
Rose Ann Fleming Professional Legal Corp.
3855 Ledgewood Drive, Suite 13
Cincinnati, OH 45207
513-924-8389

Attorney for Plaintiff

CERTIFICATE OF SERVICE

This will hereby certify that the foregoing **PLAINTIFF'S MOTION FOR EXTENSION OF TIME TO COMPLETE DISCOVERY** was electronically filed using the Case Management / Electronic Case Filing (CM/ECF) system with the Office of the Clerk of Courts, United States Federal District Court for the Southern District of Ohio, 324 Potter Stewart U.S. Courthouse, 100 E. Fifth Street, Cincinnati, OH. 45202, on June 30, 2004. Such filing will send notification of such filing to the following counsel for Defendant(s):

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